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 Grail Semiconductor, Inc.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

GRAIL SEMICONDUCTOR, INC.,  
 Plaintiff,

v.

RENESAS ELECTRONICS  
 AMERICA, INC.,

Defendant.

Case No. C 11-03847

Magistrate Judge Joseph C. Spero

**DECLARATION OF JOSEPH A. CULIG  
 PURSUANT TO LOCAL RULE 79-5(D)**

1 I, Joseph A. Culig, declare and state as follows:

2 1. I am an associate at the law firm of Niro, Haller & Niro, counsel of record for the  
3 plaintiff, Grail Semiconductor, Inc. I have personal knowledge of all the facts contained herein  
4 and, if called to testify, could and would competently testify thereto.

5 2. On July 19, 2012, Defendant Renesas Electronics America, Inc. ("Renesas") filed its  
6 Supplemental Reply Brief in Support of Its Motion to Dismiss and supporting exhibits. (Dkt.  
7 Nos. 93, 94). In accordance with Local Rule 79-5(d), Renesas filed Exhibits 1, 3, 7, 9, and 10  
8 under seal because they had been designated by Grail as CONFIDENTIAL or HIGHLY  
9 CONFIDENTIAL – ATTORNEYS EYES ONLY pursuant to the protective order in this  
10 litigation.

11 3. This declaration is filed pursuant to Local Rule 79-5(d) to establish that the information  
12 contained in these exhibits is sealable and/or to withdraw designations of confidentiality.

13 4. Exhibit 1 to Renesas' Supplemental Reply Brief contains excerpts from the July 10, 2012  
14 deposition of Mr. Donald Stern. Grail does not believe that the excerpts included in Exhibit 1  
15 contain any CONFIDENTIAL or HIGHLY CONFIDENTIAL information and consents to  
16 Exhibit 1 being made part of the public record.

17 5. Exhibit 3 to Renesas' Supplemental Reply Brief contains excerpts from the July 11, 2012  
18 deposition of Mr. Ronald Hofer. Grail does not believe that the excerpts included in Exhibit 3  
19 contain any CONFIDENTIAL or HIGHLY CONFIDENTIAL information and consents to  
20 Exhibit 3 being made part of the public record.

21 6. Exhibit 7 to Renesas' Supplemental Reply Brief is marked CONFIDENTIAL and is  
22 Bates numbered GSC\_0000701-0000702. Exhibit 7 is an email from Don Stern to Mosche  
23 Cohen with an attached invoice. This email and attachment include confidential and sensitive  
24 communications and information regarding Powergate. For these reasons, Grail requests that  
25 Exhibit 7 retain its designation and remain under seal.

1 7. Exhibit 9 to Renesas' Supplemental Reply Brief is a chart put together by Renesas'  
2 counsel that includes citations to materials designated by Grail as CONFIDENTIAL or HIGHLY  
3 CONFIDENTIAL. Exhibit 9 contains explanations that reveal the content of the documents  
4 found in Exhibits 7 and 10. Grail requests that Exhibit 9 remain under seal for the same reasons  
5 that Exhibits 7 and 10 should retain their designations and remain under seal.

6 8. Exhibit 10 to Renesas' Supplemental Reply Brief is marked CONFIDENTIAL and is  
7 Bates numbered GSC\_0000675. Exhibit 10 is a spreadsheet that contains proprietary and  
8 sensitive financial information with relation to Powergate. For these reasons, Grail requests that  
9 Exhibit 10 retain its designation and remain under seal.

10 9. A narrowly tailored proposed sealing order reflecting the above is being served and filed  
11 with this declaration.

12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.

14  
15 Dated: July 23, 2012

/s/ Joseph A. Culig  
Joseph A. Culig

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 23, 2012 the foregoing

**DECLARATION OF JOSEPH A. CULIG PURSUANT TO LOCAL RULE 79-5(D)**

was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record.

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Joseph A. Culig  
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